

MEMORANDUM OF UNDERSTANDING  
REGARDING MERRITT MILL EAST AND MERRITT MILL WEST  
SPECIAL USE PERMIT

This Memorandum of Understanding is entered into this \_\_\_\_ day of March 2018 by and between the Town of Chapel Hill, the Town of Carrboro, and CASA, Inc. developer for Merritt Mill East (Town of Chapel Hill) and Merritt Mill West (Town of Carrboro) a duly existing limited liability corporation, authorized to do business in the State of North Carolina.

RECITALS

- A. Developer either owns or has under contract the right to purchase certain real property, part of which is located in the city limits of the Town of Chapel Hill and part of which is located in the city limits of Carrboro, said property being more particularly described on Exhibit A, attached hereto and incorporated herein by reference (the "Property").
- B. The development is proposed to be a 100% affordable for multi-family development.
- C. The portion of the Property located in Chapel Hill is in the Residential-3 zoning district, and the Pine Knolls Neighborhood Conservation District and the developer is requesting a rezoning to the Residential-Special Standards-Conditional zoning district, available for 100% affordable development. The portion of the Property located in Carrboro is . . . . .
- D. Developer has requested that the Towns of Chapel Hill and Carrboro consider reviewing the development of the property together and agree to share utilities, amenities, and site features proposing Special Use Permits with the property owner.
- E. The Parties believe that two Special Use Permits, one from each jurisdiction will provide an opportunity to document a systematic and thorough evaluation of the different considerations associated with a proposed development concerning the Property (the "Special Use Permits").
- F. The Town of Chapel Hill and the Town of Carrboro have determined that it is mutually beneficial to establish a cooperative and coordinated approach to implementation of their respective ordinance requirements, including but limited to stormwater management requirements; recreation space, tree canopy coverage, and recycling/solid waste management requirements.
- G. The Chapel Hill Town Council has reviewed a Concept Plan proposing two municipalities as developer and proposing a process for negotiating a single development in two municipalities. The Carrboro Board of Aldermen . . . .

NOW, THEREFORE, in consideration of the above-stated premises and the mutual promises and conditions set forth below, the Town of Chapel Hill, Town of Carrboro, and Developer agree as follows:

1. Developer and the Towns agree to work together to evaluate the Development in accordance with the Ordinance standards of the two municipalities applicable to the portions of the Property within their respective jurisdictions.
2. Chapel Hill Land Use Management Ordinance Modifications are proposed: 1) the requirement for a 5-foot planting strip between parking areas and buildings (exclusive of sidewalks), 2) land disturbance of more than 25% on slopes that are 25% or greater, 4) allowing less tree canopy coverage, 5) allowing off-site stormwater treatment, and 6) less recreation space coverage requested on the Town of Chapel Hill parcel.
3. Any changes to the site on either the Town of Chapel Hill side or the Town of Carrboro side will require notification and approval of the other party and a description of the change.
4. The following Town of Carrboro requirements are modified to allow both the Town of Chapel Hill and Town of Carrboro parcels together to satisfy certain requirements including:
5. The Town of Chapel Hill and the Town of Carrboro agree that their respective responsibilities are as follows:

A. Town of Chapel Hill Responsibilities:

- 1) Review all Site Plan provided by CASA and provide technical comments with respect to Chapel Hill Town Ordinance and Design Guidelines.
- 2) Issuance of Engineering Construction Permit for the portion of the Project in the Town of Chapel Hill jurisdiction and that provides for inspection of elements of the Project where Town of Chapel Hill requirements are met in the Town of Carrboro jurisdiction.
- 3) Pursue administrative enforcement of violations for the portion of the Project in the Town of Chapel Hill jurisdiction.
- 4) If during routine or complaint driven inspections, Chapel Hill Town staff identifies a violation of the permit or Chapel Hill's ordinance notify the Town of Carrboro.
- 5) To coordinate review of all revisions to the site plans, the Town shall forward to the Town of Carrboro all construction/site plan re-submissions which may require joint approval.
- 6) Allow Town of Carrboro staff to attend site inspections of the project in the Town of Chapel Hill jurisdiction as authorized agents of the Town.

B. Town of Carrboro Responsibilities

- 1) Review all Site Plan provided by CASA and provide technical comments with respect to Carrboro Town Ordinance and Design Guidelines.

- 2) Pursue administrative enforcement of violations for the portion of the project in the Town of Carrboro jurisdiction.
- 3) If during routine or complaint driven inspections, Town staff identifies a violation of the permit or Carrboro's ordinance notify the Town of Chapel Hill.
- 4) To coordinate review of all revisions to the site plans, the Town shall forward to the Town of Chapel Hill all construction/site plan re-submissions which may require joint approval.
- 5) Allow Town of Chapel Hill staff to attend site inspections of the project in the Town of Carrboro jurisdiction as authorized agents of the Town.

NOW, THEREFORE, in consideration of the above-stated premises and the mutual promises and conditions set forth below, the Town of Chapel Hill, Town of Carrboro, and Developer agree as follows:

\_[SIGNATURES BEGIN ON FOLLOWING PAGE]

IN WITNESS WHEREOF, the Town of Chapel Hill and the Town of Carrboro have executed this Memorandum of Understanding the day and year first written above

Town of Chapel Hill

BY:\_\_\_\_\_

Roger L. Stancil, Town Manager

\_\_\_\_\_  
Date  
ATTEST

\_\_\_\_\_  
Town Clerk

Approved as to form and legality: \_\_\_\_\_  
Town Attorney

\_\_\_\_\_  
Town of Carrboro

BY:\_\_\_\_\_

David Andrews, Town Manager

\_\_\_\_\_  
Date  
ATTEST

\_\_\_\_\_  
Town Clerk

Approved as to form and legality: \_\_\_\_\_  
Town Attorney

CASA, INC.

BY:\_\_\_\_\_

Jess Brandes, CASA Developer

Date  
ATTEST

\_\_\_\_\_

\_\_\_\_\_

DRAFT

#### **LIST OF EXHIBITS**

- A. CHART OF MUNICIPAL COMPLIANCE WITH REGULATIONS

## Carrboro CUP-CZ & Chapel Hill SUP Checklists

### CASA - MERRITT MILL APARTMENTS



#### Town of Chapel Hill SUP Application

	<u>Chapel Hill requirement</u>	<u>Status</u>	<u>Justification</u>
1) FDC (Fire Department Connection)	Shared FDC required on Carrboro side per CFD & CHFD.	Modification Requested	Shared FDC shown on Carrboro side of project.
2) Tree Canopy	30% (10,997 sq. ft.)	Modification Requested	Applicant is proposing 23% (8,511 sq. ft.) on Chapel Hill side but a total of 34% (32,901 sq. ft. out of 96,989 area subject to canopy requirements) for the entire site
3) Stormwater Management	Adequate treatment per LUMO	Modification Requested	All stormwater from both sides will be treated in Carrboro
4) Solid Waste Management	Trash and recycling per LUMO	Modification Requested	provided on the Carrboro side
5) Vehicular Parking	Min. (1/DU) = 24 spaces Max. (1.25/DU) = 30 spaces	Requirement Met	26 spaces provided entirely on Chapel Hill side. 6 spaces are bisected by the Town line.
6) 5' Planting Strip	Required between building and parking	Modification Requested	Per the Chapel Hill Fire Department a 5' planting strip between buildings and parking would result in the proposal exceeding the minimum distance allowed between buildings and fire apparatus setup location(s).
7) Steep Slopes	No more than 25% disturbance of slopes greater than 25%	Modification Requested	There are approximately 2,000 sq. ft. of slopes greater than 25% on the Chapel Hill side of the site. The majority of these areas are in the center of the site and will need to be regraded, thus we are requesting a modification. Temporary erosion control measures will be used during construction, and permanent stormwater management facilities will control runoff to help protect undisturbed steep slopes on site and on neighboring properties.